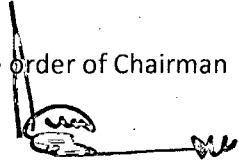


Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- _____ 1389/2022

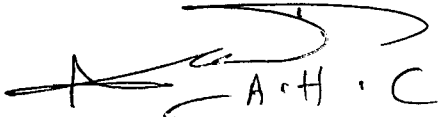
S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	22/09/2022	<p>The appeal of Mr. Ijaz Nasir resubmitted today by post through Muhammad Abid Bhattani Advocate. It is fixed for preliminary hearing before touring Single Bench at D.I.Khan on _____. Notices be issued to appellant and his counsel for the date fixed.</p> <p>By the order of Chairman</p>  <p>REGISTRAR</p>

The appeal of Mr. Ijaz Nadeem, S/o Abdul Razzaq, R/o Mohallah Qasaban, Teh & Dist. Tank received today i.e. on 28/07.2022 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

1. Contact and email address of appellant and his counsel is not mentioned in the appeal.
2. Checklist is not attached with the appeal.
3. Appeal has not been flagged/marked with annexure marks.
4. Annexures of the appeal may be attested.
5. Affidavit attached with the appeal may be got attested by the Oath Commissioner.
6. Annexures of the appeal is not in sequence which may be placed in order.
7. Five more copies/sets of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal.


No. 2301 /S.T,

Dt. 29/07 /2022



A.H.C

Muhammad Abid Bhattani Adv. Retd.

D-1. Khan


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Note: (5) extra copies along with
(5) file covers had already
submitted to your good
office twice. So please
consider that.


A.H.C

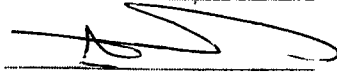
KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR
CHECK LIST

Case Title: _____

S#	CONTENTS	YES	NO
1	This Appeal has been presented by:		
2	Whether Counsel/Appellant/Respondent/Deponent have signed the requisite documents?	✓	
3	Whether appeal is within time?	✓	
4	Whether the enactment under which the appeal is filed mentioned?	✓	
5	Whether the enactment under which the appeal is filed is correct?	✓	
6	Whether affidavit is appended?	✓	
7	Whether affidavit is duly attested by competent Oath Commissioner?	✓	
8	Whether appeal/annexures are properly pagged?	✓	
9	Whether certificate regarding filing any earlier appeal on the subject, furnished?	✓	
10	Whether annexures are legible?	✓	
11	Whether annexures are attested?		
12	Whether copies of annexures are readable/clear?	✓	
13	Whether copy of appeal is delivered to AG/DAG?	✓	
14	Whether Power of Attorney of the Counsel engaged is attested and signed by petitioner/appellant/respondents?	✓	
15	Whether numbers of referred cases given are correct?		
16	Whether appeal contains cutting/overwriting?		
17	Whether list of books has been provided at the end of the appeal?		
18	Whether case relate to this court?	✓	
19	Whether requisite number of spare copies attached?	✓	
20	Whether complete spare copy is filed in separate file cover?	✓	
21	Whether addresses of parties given are complete?	✓	
22	Whether index filed?	✓	
23	Whether index is correct?	✓	
24	Whether Security and Process Fee deposited? On		
25	Whether in view of Khyber Pakhtunkhwa Service Tribunal Rules 1974 Rule 11, notice along with copy of appeal and annexures has been sent to respondents? On		
26	Whether copies of comments/reply/rejoinder submitted? On		
27	Whether copies of comments/reply/rejoinder provided to opposite party? On		

It is certified that formalities/documentation as required in the above table have been fulfilled.

Name: M. Abid Bhattani Adv

Signature: 

Dated: 3

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR CAMP COURT AT DERA ISMAIL KHAN.**

Service Appeal No. 1387/2022

Ijaz Nasir(Appellant)

VERSUS

Govt; of KPK, etc(Respondents).

INDEX

S.No	Description of Documents	Annexure	Page
1.	Grounds of Service Appeal along with affidavit		
2.	C.M for condonation of delay along with affidavit.		
3.	Copy of advertisement	"A"	
4.	Copy of interview call letter and appointment order	"B & C"	
5.	Copy of transfer order dated 16/04/2021	"D"	
6.	Copy of order dated 19/04/2021	"E"	
7.	Copy of departmental appeal	"F"	
8.	Copy of Writ Petition No. 336-D of 2021 and order dated 01/02/2022	"G"	
9.	Copy of departmental appeal and reminder	"H & I"	
10.	Vakalatnama		

Your Humble Appellant

Ejaz Nasir
Through Counsel

Dated: /07/2022

MUHAMMAD ABID BHETTANI
Advocate High Court
Dera Ismail Khan

①

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR, CAMP COURT AT DERA ISMAIL KHAN.

Service Appeal No. 1389/2022

Ijaz Nasir S/o Abdul Razzaq Resident of Mohallah
Qasaban, Tehsil & District Tank.

.....(Appellant)

VERSUS

1. Government of Khyber Pakhtunkhwa, through Secretary Industries & Commerce, Khyber Pakhtunkhwa, Peshawar.
2. Secretary Industries & Commerce Department, Government of Khyber Pakhtunkhwa, Peshawar.
3. Director Industries & Commerce, Khyber Pakhtunkhwa, Peshawar.
4. Hikmat Ullah son of Asmat Ullah Resident of Taju Khel, Pai, District Tank.

.....(Respondents)

SERVICE APPEAL UNDER SECTION 4 OF SERVICE TRIBUNAL ACT 1974, AGAINST THE ORDER ENDORSEMENT NO. 4061-66/1/33-DI-ADMN DATED 16/04/2021 ISSUED BY RESPONDENT NO. 3, VIDE WHICH APPELLANT WAS TRANSFERRED FROM THE CONSUMER COURT TANK TO THE OFFICE OF ASSISTANT DIRECTOR C.P.C SOUTH WAZIRISTAN DISTRICT & RESPONDENT NO. 4 WAS APPOINTED AS NAIB QASID BPS-03 AT CONSUMER COURT TANK VIDE ORDER NO. 4083-86/1/98-D-I-ADMN DATED 19/04/2021.

PRAYER:-

ON ACCEPTANCE OF INSTANT APPEAL, BOTH THE IMPUGNED ORDERS DATED 16/04/2021 & 19/04/2021 IBID MAY KINDLY BE SET SIDE AND THE RESPONDENTS MAY KINDLY BE DIRECTED TO RESTORE THE APPELLANT TO HIS PREVIOUS POSITION AS NAIB QASID BPS-03, CONSUMER COURT TANK. ANY OTHER REMEDY DEEMED APPROPRIATE IN THE GIVEN CIRCUMSTANCES MAY ALSO BE GRANTED TO THE APPELLANT.

Respectfully Sheweth:-

The appellant respectfully submits as under:-

- A. That the appellant is permanent resident of Mohallah Qasaban District Tank. The post of Naib Qasid BPS-03 was advertised by respondent No. 3 for the Consumer Court, District Tank. Copy of advertisement is enclosed as Annexure "A".
- B. That appellant applied for the said post and after going through the codal formalities and interview, petitioner was appointed as Naib Qasid BPS-03 against the vacant post in the Consumer Court Tank on 10/02/2016. Copy of the interview call letter and appointment order are enclosed as Annexure "B & C".
- C. That appellant was performing his duties to the satisfaction of the concerned authorities without any complaint, when appellant was transferred from the Consumer Court Tank to the office of Assistant Director CPC, South Waziristan vide order No. 4061-66/1/33-D1-Admn dated 16/04/2021. Copy of the transfer order is enclosed as Annexure "D".
- D. That appellant was transferred from Consumer Court Tank illegally and malafidely, just to accommodate respondent No. 4 and respondent No. 4 was appointed as Naib Qasid Consumer Court Tank vide order No. 4083-86/1/98/DI-Admn dated 19/04/2021. Copy of order is enclosed as Annexure "E".
- E. That appellant preferred departmental appeal against the impugned transfer order to respondent No. 3, but appeal was not decided by respondent No. 3. Copy of the departmental appeal is enclosed as Annexure "F".

F. That as appeal was not decided either way & there was no final order against which appellant could have preferred appeal before the Honourable Service Tribunal, as such appellant approached the Honourable Peshawar High Court, Dera Ismail Khan Bench through Writ Petition No. 336-D of 2021, which came after hearing on 01/02/2022 and appellant was directed to approach proper forum. Copy of the Writ Petition No. 336-D of 2021 and order dated 01/02/2022 are enclosed as **Annexure "G"**.

G. That after withdrawal of Writ Petition, in the meanwhile the worthy Service Tribunal became non-functional for a long period, thus appellant again preferred departmental appeal to respondent No. 2 on 02/04/2022 followed by reminder dated 13/06/2022, but again departmental appeal met the same fate and was not decided either way till date. Copy of the departmental appeal and reminder are enclosed as **Annexure "H & I"**.

H. That being aggrieved of the acts and omissions of the departmental authorities, the appellant approaches this Honourable Tribunal in appeal, inter alia, on the following grounds:-

GROUND:-

1. That the impugned orders of official respondents are against the law, rules, without jurisdiction, illegal, malafide, based on interior motives, hence liable to be set aside.
2. That the appellant was appointed against the post of Naib Qasid BPS-03 and it was clearly mentioned in advertisement that **"appointment will be made on the basis of domicile in the concerned District, hence appellant was not liable to be transferred outside the District Tank"**.

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3. That the appellant was transferred out side the District Tank just to accommodate respondent No. 4 which is against the law, rules and natural justice and the impugned transfer order and also appointment order of respondent No. 4 are liable to be set aside.
4. That counsel for the appellant may kindly be allowed to raise additional grounds during the course of arguments.

It is, therefore, humbly prayed that on acceptance of the instant appeal, the impugned transfer order dated 16/04/2021 and appointment order of respondent No. 4 dated 19/04/2021 may kindly be set aside and the respondents may kindly be directed to restore the appellant to his previous position as Naib Qasid BPS-03 Consumer Court Tank. Any other remedy deemed appropriate in the given circumstances may also be granted in favour of appellant.

Your Humble Appellant

Ejaz Nasir
Through Counsel

Dated: /07/2022

MUHAMMAD ABID BHETTANI

Advocate High Court, DIK

AFFIDAVIT:-

I, **Ijaz Nasir** S/o Abdul Razzaq Resident of Mohallah Qasaban, Tehsil & District Tank, the appellant, do hereby solemnly affirm declared on oath that contents of the **Service Appeal** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honourable Tribunal.

Deponent

IDENTIFIED BY:

MUHAMMAD ABID BHETTANI

Advocate High Court, DIK

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BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR, CAMP COURT AT DERA ISMAIL KHAN.

CM No. _____/2022

In Service Appeal No. _____/2022

Ijaz Nasir

VERSUS

Govt; of KPK, etc

APPLICATION U/S-5 OF LIMITATION ACT FOR
CONDONATION OF DELAY.

Respectfully Sheweth:-

- 1.** That the above titled appeal is being filed before this August Service Tribunal and is based on strong legal and factual grounds to be decreed.
- 2.** That appellant preferred departmental appeal against the impugned orders which was not decided either way by the departmental authorities. In such circumstances appellant was unable to file appeal in absence of any final order and appellant approached Honourable Peshawar High Court vide Writ Petition No. 336-D of 2021. After the decision of Writ Petition, appellant again preferred departmental appeal followed by a reminder but no final order has been passed till date by the authorities.
- 3.** That besides the facts mentioned above, it is pertinent to mention here that the Service Tribunal was non functional for a long period as such the delay in filing the appeal is liable to be condoned in the best interest of justice.
- 4.** That the time consumed before approaching this August forum lapsed due to acts and omissions of departmental authorities as well as due to the non functional Service Tribunal too, hence it is well within the jurisdiction of this August forum to condone the delay in the best interest of justice.

In view of above, this Honourable Tribunal will be pleased to condoned the delay and the service appeal may kindly be decided on merit.

Your Humble Appellant

Ejaz Nasir

Through Counsel

Dated: /07/2022

MUHAMMAD ABID BHETTANI

Advocate High Court

Dera Ismail Khan.

6

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR, CAMP COURT AT DERA ISMAIL KHAN.**

CM No. _____/2022

In Service Appeal No. _____/2022

Ijaz Nasir

VERSUS

Govt; of KPK, etc

AFFIDAVIT

I, **Ijaz Nasir** S/o Abdul Razzaq Resident of Mohallah Qasaban, Tehsil & District Tank, the appellant, do hereby solemnly affirm declared on oath that contents of the **Service Appeal** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honourable Tribunal.

Deponent

IDENTIFIED BY:

MUHAMMAD ABID BHETTANI

Advocate High Court,
Dera Ismail Khan.

آپنا مکان خالی نہیں

نظامت صنعت و حرفت خیر بختونخوا میں جلیب پراسسرز ڈراما کے ذریعہ 15 دنوں کے اندر ہی آسانیوں کیلئے خیر بختونخوا کے مختلف اضلاع سے تعلق رکھنے والے خواہشمند حضرات درخواست جمع کرائیں۔ آئیٹم شمارہ کے شائع ہونے کے بعد (15) دن کے اندر ہی جمع کرائیں۔

نمبر شمارہ	مطلوبہ	ایف (بی بی ایس) - 04	پراسسرز ڈراما (بی بی ایس) - 03	ڈراما (بی بی ایس) - 06	بائب کا صدر (بی بی ایس) - 03	چونیدار (بی بی ایس) - 03
1	بھارتیہ	02-آسامیاں	02-آسامیاں	01-آسامی	---	---
2	ترجمہ	02-آسامیاں	02-آسامیاں	---	---	---
3	گولڈن	02-آسامیاں	02-آسامیاں	---	---	---
4	چراغ	02-آسامیاں	02-آسامیاں	01-آسامی	01-آسامی	01-آسامی
5	سوات	02-آسامیاں	02-آسامیاں	01-آسامی	---	---
6	گلی سروس	02-آسامیاں	02-آسامیاں	01-آسامی	---	---
7	کرک	02-آسامیاں	02-آسامیاں	---	---	---
8	آئینہ	02-آسامیاں	02-آسامیاں	01-آسامی	---	---
9	ملائکہ (بٹ نیٹ)	02-آسامیاں	02-آسامیاں	01-آسامی	---	01-آسامی
10	چوک	02-آسامیاں	02-آسامیاں	01-آسامی	---	---
11	پری پور	02-آسامیاں	02-آسامیاں	---	---	---
12	ایچ آئی آر	02-آسامیاں	02-آسامیاں	---	---	---
13	ڈی آئی خان	02-آسامیاں	02-آسامیاں	01-آسامی	---	---
14	بھوس	02-آسامیاں	02-آسامیاں	---	---	---
15	گولڈ	02-آسامیاں	02-آسامیاں	01-آسامی	---	01-آسامی
16	مردان	02-آسامیاں	02-آسامیاں	01-آسامی	---	---
17	پشاور	02-آسامیاں	02-آسامیاں	02-آسامی	---	---

شرائط: 1- منظور شدہ جاتی (Minority) افراد کو حکومت کے سرکردہ کورسز میں شمولیت کی سہولت ملے گی۔ 2- جیتالی ڈویژن کی بنیاد پر مختلف ڈسٹرکٹ میں ہوگی۔ 3- عمر کی حد درخواست دہنے کی آخری تاریخ تک ضروری ہونی چاہئے گی۔ 4- درخواست کے ساتھ شناختی کارڈ اور جی ایچ ایف کی ایک کاپی، اور دیگر اسناد کی تصدیق شدہ نقلات منسلک کرنا ہوں گے۔ 5- ڈراما کے لیے آسانی کیلئے LTV ڈراما کے لائسنس کی کاپی منسلک کرنا ضروری ہے۔ 6- سرکاری ملازمین مختلف محکموں کی NOC کے ساتھ پیش ہوں۔ 7- جواز اختیاری کو اختیار ہے کہ وہ عام پابسی ایک درخواست کو مسترد کر دے۔ 8- جواز اختیاری حکومت کی پالیسی کے مطابق اشتہار میں تبدیلی ہو سکتی ہے۔ 9- سرکاری ملازمین کی شمولیت کی پیشگی رضامندی حاصل کرنی چاہئے۔ 10- صرف 10-11 ہر آسامی کیلئے طلبہ اور درخواست دہنے ضروری ہے۔ 11- شمولیت شدہ افراد کی کسٹھ ADS دیا جائے گا اور ان کیلئے طلبہ اور درخواست دہنے کی۔

ڈراما کے نظامت صنعت و حرفت خیر بختونخوا، بریننگ پریس بلڈنگ شامی روڈ پشاور

INF(P) 345 Also available on
www.khyberpakhunkhwa.gov.pk

**DIRECTORATE OF
INDUSTRIES & COMMERCE,
KHYBER PAKHTUNKHWA, PESHAWAR.**

ORDER.

On the recommendation of Departmental Selection Committee of the Directorate of Industries and Commerce, Khyber Pakhtunkhwa, Peshawar, Mr. Ijaz Nasar S/o Abdur Razzaq R/o Mohallah Qasaban District Tank is hereby appointed as Naib Qasid BPS-03 (6535-260-14335) against the vacant post of Naib Qasid (BPS-03) in the Consumer Court, Tank on the following terms and conditions that:-

1. The appointee will produce medical fitness certificate from Medical Superintendent, District H/Q Hospital, Tank.
2. His appointment will be governed by the provision of Khyber Pakhtunkhwa, Civil Servants Act, 1973 and other Rules & Regulations enforced by the Provincial Government from time to time.
3. He will initially be on probation for a period of one year.
4. He will be given minimum pay of the post in the Basic Pay, Scale No.03 (6535-260-14335) per month with other allowances admissible by the Provincial Government from time to time.
5. His service will be liable to termination on one month's notice from either side. In case of resignation without notice, one month salary and allowance if any will be forfeited to the Government.
6. He will join duty at his own expenses.

Sd/- Director, IC
Khyber Pakhtunkhwa.

Dated, 10/02/2016.

Endst: No. 2940-44/1/98-DI-Admn:

Copy of the above is forwarded to:-

1. The District Session Judge Consumer Court, Tank.
2. The District Accounts Officer, Tank.
- ✓ 3. Mr. Ijaz Nasar S/o Abdur Razzaq R/o Mohallah Qasaban District Tank.
4. Personal file of the official concerned.

(Abdur Rauf Jan)
Administrative Officer,
Hqtrs Office, Peshawar

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DIRECTORATE OF
INDUSTRIES AND COMMERCE
KHYBER PAKHTUNKHWA, PESHAWAR

ORDER

Mr. Ijaz Nasir, Naib Qasid (BPS-03) Consumer Court, Tank is hereby transferred and posted against the vacant post of Naib Qasid (BPS-03) in the office of Assistant Director, CPC, South Waziristan with immediate effect in the public interest.

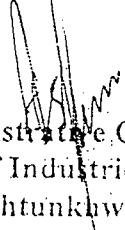
Sd/- Director IC,
Khyber Pakhtunkhwa.

Endst: No. 4061-66 11/33-DI-Admin:

Dated. 16/04/2021.

Copy of the above is forwarded to:-

1. The District Accounts Officer, Tank & South Waziristan.
2. The Registrar, Consumer Court, Tank.
3. The Assistant Director, CPC, Tank.
- ✓ 4. The official concerned.
5. Personal file of the official concerned.


Administrative Officer,
Directorate of Industries & Commerce,
Khyber Pakhtunkhwa, Peshawar

Impugned order

(10)

DIRECTORATE OF
INDUSTRIES AND COMMERCE
KHYBER PAKHTUNKHWA, PESHAWAR

No. 2067-2133/1/98-DI-Admn:

Dated. 20/01/2016.

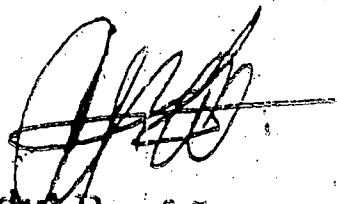
To

66. Ijaz Nasar S/o Abdur Razzaq
Mollah Qasaban District Tank

Subject: - INTERVIEW FOR THE POST OF NAIB QASID.

I am directed to refer to the subject cited above and to say that interview for the post of Naib Qasid for Consumer Court is schedule to be held on 01.02.2016 at 9:00 AM in the Circuit House, Near Deputy Commissioner Office, District Karak.

You are requested to appear before the Departmental Selection Committee alongwith original documents for interview on the schedule date, time and venue fixed above. No TA/DA will be allowed.


(Abdul Rauf Jan)
Administrative Officer
Hqtrs Office, Peshawar.



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**DIRECTORATE OF
INDUSTRIES AND COMMERCE
KHYBER PAKHTUNKHWA, PESHAWAR.**

ORDER.

On the recommendation of Departmental Selection Committee of the Directorate of Industries & Commerce, Khyber Pakhtunkhwa, Mr. Hikmat Ullah S/o Asmatullah, Resident of Taju Khel Pai, District Tank, CNIC No.12201-5067304-7 is hereby appointed as Naib Qasid BPS-03 (9610-390-21310) in this Directorate and posted against the vacant post of Naib Qasid (BPS-03) at Consumer Court, Tank on the following terms and conditions that:-

1. He will produce medical fitness certificate from Medical Superintendent, District H/Q Hospital, Tank.
 2. His appointment will be governed by the provision of Khyber Pakhtunkhwa, Civil Servants Act, 1973 and other Rules & regulations enforced by the Provincial Government from time to time.
 3. He will initially, be on probation for a period of one year extendable for another year with the specific order of appointing authority within two months of the expiry of first year of probation period.
 4. He will be given minimum pay of the post in the Basic Pay Scale-03 (9610-390-21310) per month with other allowances as may be admissible under the rules of the Provincial Government as per entitlement.
 5. His service will be liable to termination on one month's notice from either side. In case of resignation without notice, one month salary and allowance if any, will be forfeited to the Government.
- He will join duty at his own expenses.


Sd/- Director IC,
Khyber Pakhtunkhwa.

Dated. 19/04/2021.

No. 4083-86 /1/98-DI-Admn:

Copy of the above is forwarded to:-

1. The Judge Consumer Court, Tank.
2. The District Accounts Officer, Tank.
3. Mr. Hikmat Ullah S/o Asmatullah, Resident of Taju Khel Pai, District, Tank.
4. Personal file of the official concerned


Administrative Officer,
Directorate of Industries & Commerce,
Khyber Pakhtunkhwa, Peshawar

resplendent order

To

The Secretary
Industries & Commerce,
Govt. of Khyber Pakhtunkhwa, Peshawar.

Subject: Departmental Appeal against the office order No. 4061-66/1/33-DI-Admin dated 16.04.2021 issued by Director Industries & Commerce, Khyber Pakhtunkhwa, Peshawar.

Respected Shewth:

- i. That the brief facts of the case the Appellant was appointed on 10-02-2016 in the Directorate of Industries & Commerce on the recommendation of Departmental Selection Committee in continuation of advertisement against the vacant post of Naib-Qasid (BPS-3) and posted in the Consumer Court, Tank. Copy of appointment order of the Appellant alongwith advertisement is enclosed.
- ii. That the Appellant resumed the charge in the Consumer Court, Tank and served his duty with full of hard work and honesty. Thereafter, Director IC, KPK, Peshawar vide impugned office order No. 4061-66/1/33-DI-Admn dated 16-04-2021 issued the transfer order of present Appellant from Consumer Court, Tank to the office of Assistant Director, CPC, South Waziristan, and in the meantime, the Director IC, KPK, Peshawar issued the impugned appointment order of Mr. Hikmatullah s/o Asmatullah against the post of Naib-Qasid in the Consumer Court, Tank vide office order dated 19-04-2021. Thus, it is very much clear that the Appellant has been transferred from the Consumer Court, Tank to South Waziristan only to facilitate Mr. Hikmatullah s/o Asmatullah as the subject post was District base post and the Appellant could not be transferred under the rules. Copies of transfer order and appointment order are enclosed.
- iii. That the Appellant approached to the Director, IC, KPK, Peshawar through written application dated 29.05.2021 but he paid no heed. Thereafter, the appellant filed the writ petition No. 336-D/2021 before the Honourable Peshawar High Court, Dera Ismail Khan Bench, however, the same was withdrawn on 01.02.2022 with the permission to approach the proper forum for redressal of his grievances.

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Hence the present appellant filed the instant appeal. Copies of application and grounds of writ petition alongwith order are enclosed herewith.

GROUND:

1. That the office order No. 4061-66/1/33-DI-Admn dated 16-04-2021 & appointment order of Hikmatullah dated 19-04-2021 is illegal, against the natural justice, ulterior motives, based on discrimination and ineffective upon the rights of the Appellant.
2. That the Appellant was appointed against the subject post through an advertisement, wherein, it was clearly mentioned that the appointment would be made on district-base domicile. Furthermore, the post of BPS-3 is District base post and under the Rules no one could be transferred from one district to other having the post of BPS-3. Thus, on this sole ground, the impugned transfer order of the Appellant is liable to be reversed.
3. That the malafide is apparent as just after the 03 days of issuing of impugned transfer order, the Director IC, KPK, Peshawar appointed Mr. Hikmatullah against the subject post without fulfilling the codal formalities. Hence, it is very much clear that the Appellant has been transferred from the subject post only to facilitate the above said person.

It is therefore, humbly prayed that may please be cancelled the impugned office order No. 4061-66/1/33-DI-Admn dated 16-04-2021 & Impugned appointment order of Mr. Hikmatullah dated 19-04-2021 issued by the Director IC, KPK, Peshawar.

Dated: 02-04-2022

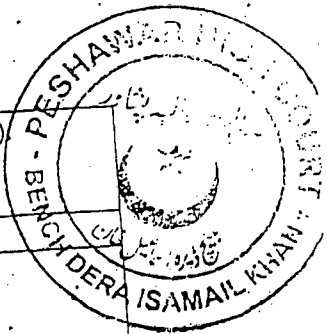
Yours Sincerely,


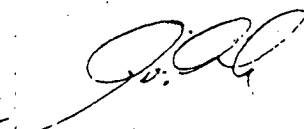

Ijaz Nasir son of Abdul Razaq
Naib Qasid (BPS-03)
District Tank.

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PESHAWAR HIGH COURT, D.I.KHAN BENCH

FORM OF ORDER SHEET



Date of Order or proceedings (1)	Order or other proceedings with signature of Judge(s) (2)
01.02.2022	<p><u>W.P.No.336-D/2021 with Interim Relief.</u></p> <p><u>Present:</u> Muhammad Mohsin Ali, Advocate for petitioner.</p> <p>***</p> <p><u>ABDUL SHAKOOR, J.-</u> After arguing the case at certain length, on second thought, the learned counsel representing the petitioner wants to withdraw the instant writ petition in order to approach the proper forum for redressal of his grievances. Dismissed as such.</p> <p><u>Announced.</u> <u>Dt: 01.02.2022.</u></p> <p style="text-align: right;"> <u>JUDGE</u></p> <p style="text-align: right;"> <u>JUDGE</u></p> <p style="text-align: right;"> EXAMINOR Peshawar High Court Bench, Dera Ismail Khan 30/03/2022</p>

*Wice
9/2
03/02*

Imran/

(D.B)
Hon'ble Mr. Justice Abdul Shakoor
Hon'ble Mr. Justice Sahibzada Asadullah

(28)

**BEFORE THE HONOURABLE PESHAWAR HIGH COURT,
DERA ISMAIL KHAN BENCH.**

Writ Petition No. _____ of 2021

Ijaz Nasir son of Abdul Razaq resident of Muhallah Qasaban, District
Tank.

Petitioner

VERSUS

1. Government of Khyber Pakhtunkhwa through Secretary Industries & Commerce Department, Govt. of K.P.K, Peshawar.
2. Secretary Industries & Commerce Department, Govt. of K.P.K, Peshawar.
3. Director Industries & Commerce, Khyber Pakhtunkhwa, Peshawar.
4. Hikmatullah son of Asmatullah resident of Taju Khel, Pai, District, Tank.

Respondents

**WRIT PETITION UNDER ARTICLE 199 OF THE
CONSTITUTION OF ISLAMIC REPUBLIC OF PAKISTAN,
1973.**

Respectfully Sheweth:

- i. That the addresses of the parties as given above are correct and sufficient for the purpose of service.
- ii. That the brief facts of the case the petitioner was appointed on 10-02-2016 in the Directorate of Industries & Commerce on the recommendation of Departmental Selection Committee in continuation of advertisement against the vacant post of Naib-Qasid (BPS-3) and posted in the Consumer Court, Tank. Copy of appointment order of the petitioner alongwith advertisement is enclosed as **Mark-A**.

ATTESTED

WP NO.336-D of 2021 (Grounds)

EXAMINOR
Peshawar High Court Bench,
Dera Ismail Khan

30/03/2022

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iii. That the petitioner resumed the charge in the Consumer Court, Tank and served his duty with full of hard work and honestly. Thereafter, the respondent No. 3 vide impugned office order No. 4061-66/1/33-DI-Admn dated 16-04-2021 issued the transfer order of present petitioner from Consumer Court, Tank to the office of Assistant Director, CPC, South Waziristan, and in the meantime, the respondent No. 3 issued the impugned appointment order of the respondent No. 4 against the post of Naib-Casid in the Consumer Court, Tank vide office order dated 19-04-2021. Thus, it is very much clear that the petitioner has been transferred from the Consumer Court, Tank to South Waziristan only to facilitate the respondent No. 4 as the subject post was District base post and the petitioner could not be transferred under the rules. Hence, the malafide on the part of respondents is apparent. Copies of Impugned transfer order and Impugned appointment order are enclosed as **Mark-B & C** respectively.

iv. That the petitioner approached to respondent No. 3 through written application but he paid no heed. Copy of application alongwith postal receipt is enclosed as **Mark-D**.

That being aggrieved, the petitioner approaches this Honourable Court to declare the impugned office order No. 4061-66/1/33-DI-Admn dated 16-04-2021 & Impugned appointment order of respondent No. 4 dated 19-04-2021 issued by respondent No. 3 as illegal, against the natural justice, ulterior motives, discrimination, based on malafide and ineffective upon the rights of the petitioner, having no other alternative remedy but to invoke the constitutional jurisdiction of this Honourable court, inter alia, on the following grounds:

GROUND:

1. That the act of the respondent No. 3 while issuing the impugned office order No. 4061-66/1/33-DI-Admn dated 16-04-2021 & Impugned appointment order of respondent No. 4 dated 19-04-2021 is illegal, against the natural justice, ulterior motives.

WT NO.336-D of 2021 (Grounds)

ATTESTED

EXAMINOR

Resnawar High Court Bench,
Dera Ismail Khan

30/3/22

Recd In Waziristan
2-4-22
[Signature]

[Signature]

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based on discrimination and ineffective upon the rights of the petitioner.

2. That the petitioner was appointed against the subject post through an advertisement, wherein, it was clearly mentioned that the appointment would be made on district-base domicile. Furthermore, the post of BPS-3 is District base post and under the Rules no one could be transferred from one district to other having the post of BPS-3. Thus, on this sole ground, the impugned transfer order of the petitioner is liable to be reversed.

Filed today
Addl. Registrar

3. That the malafide of the respondents is apparent as just after the 03 days of issuing of impugned transfer order, the respondent No. 3 appointed the respondent No. 4 against the subject post without fulfilling the codal formalities, Hence, it is very much clear that the petitioner has been transferred from the subject post only to facilitate the respondent No. 4. Hence, the impugned orders are based on malafide and discrimination, thus liable to be cancelled.

[Handwritten signature]

4. That the impugned transfer order is based on discrimination and political victimization as the impugned order of the petitioner is totally based on malafide, arbitrary, against the canon of justice, equity and fair-play. Thus the impugned transfer order is liable to be cancelled.

5. That the Constitution of Islamic Republic of Pakistan, 1973 protected the rights of every citizen and provides the equality amongst the citizen, but the respondents clearly violated the fundamental right of the petitioner protected by the Constitution of Islamic Republic of Pakistan.

6. That the petitioner is the victim of unlawful and illegal act of the respondents and such a malafide act on the part of respondents is against the law and rules, without jurisdiction and lawful authority, against the natural justice, misuse of official powers and is the outcome of victimization known by the respondents

ATTESTED
EXAMINOR
Rawanwar High Court Bench,
Dera Ismail Khan
20/03

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and it has caused an immense mental torture and agony to the petitioners.

- 7. That the counsel for the petitioner may kindly be allowed to raise the additional grounds at the time of arguments.

It is therefore, humbly prayed that may please be declared the impugned office order No. 4061-66/1/33-DI-Admn dated 16-04-2021 & Impugned appointment order of respondent No. 4 dated 19-04-2021 issued by respondent No. 3 as illegal, against: the natural justice, ulterior motives, based on malafide & discrimination and ineffective upon the rights of the petitioner and liable to be cancelled or any other relief may being deem fit by this Honourable court in the interest of the petitioner.

INTERIM RELIEF:

It is therefore, humbly prayed that to suspend the impugned office order No. 4061-66/1/33-DI-Admn dated 16-04-2021 & Impugned appointment order of respondent No. 4 dated 19-04-2021 issued by respondent No. 3 till the disposal of writ petition.

Filed 10/06/21
 Addl. Registrar
[Signature]

Dated: 01/06/2021

Your Humble Petitioner

[Signature]
 Ijaz Nasir

Through Counsel

[Signature]

Muhammad Mohsin Ali
 Advocate High Court.

ATTESTED

EXAMINOR
 Peshawar High Court Bench,
 Dera Ismail Khan

30/03/22

بھنور انور جناب سیکرٹری صاحب نظامت صنعت و حرفت خیبر پختونخواہ

عنوان درخواست: دوبارہ یاد دہانی محکمانہ اپیل ٹرانسفر

جناب عالی!

مودبانہ گزارش ہے کہ سائل اعجاز ناصر نائب قاصد جو کہ اپنی ڈیوٹی کے فرائض صارف عدالت ٹانک میں سرانجام دے رہا تھا۔ کہ سائل نے حکمت اللہ نامی لڑکے کے آرڈر نائب قاصد کی پوسٹ پر کر دیئے۔ نائب قاصد کی پوسٹ BPS-3 کی ہے اور ضلع کی پوسٹ ہے۔ جناب عالی! محکمہ کی جانب سے مذکورہ پوسٹ کیلئے شہر کردہ اشتہار میں محکمہ نے صاف اور واضح لکھا ہے کہ تعیناتی ڈومیسائل کی بنیاد پر متعلقہ ڈسٹرکٹ میں ہوگی۔

آپ جناب کو پہلے بھی محکمانہ تبدیلی کی درخواست 02/04/2022 کو ارسال کی تھی۔ جس کی تاحال شنوائی نہیں ہوئی۔ التجاء کی جاتی ہے کہ محکمہ کے واضح کردہ اصول و قواعد کے مطابق سائل کو واپس اپنے ڈسٹرکٹ میں صارف عدالت ضلع ٹانک میں تعینات کیا جائے اور میری جگہ پر حکمت اللہ کے آرڈر ضلع جنوبی وزیرستان میں کئے جائیں۔ سارے کوائف ہمراہ درخواست لف ہیں۔ سائل تا عمر دعا گورہیگا۔

نقطہ مورخہ: 13/06/2022

اراضی

سائل اعجاز ناصر نائب قاصد
دفتر اسٹنٹ ڈائریکٹر نظامت صنعت و حرفت
حقوق تحفظ و صارفین ضلع جنوبی وزیرستان

وکالت نامہ

کوریج فیس		قیمتی ایک روپیہ
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حیدر محمد و خواجہ سرور سٹریٹیجی و کانسولٹنٹس پرائیویٹ لمیٹڈ

مخاطب ایڈوانس
باجم نامہ
سرور سٹریٹیجی و کانسولٹنٹس پرائیویٹ لمیٹڈ

دعویٰ باجم

تفصیل دعویٰ باجم

باعث تحریر آنکہ

مقدمہ مندرجہ بالا عنوان میں اپنی طرف واسطے بیرونی درخواستی برائے پیشی یا تصفیہ مقدمہ بنام
محمد عابد بھٹنی ایڈووکیٹس

کو حسب ذیل شرائط پر وکیل مقرر کیا ہے کہ میں پیشی پر خود یا ہذا بذریعہ رو برو عدالت حاضر ہوتا رہوں گا اور ہر وقت پکارے جانے مقدمہ وکیل صاحب موصوف کو اطلاع دے کر حاضر عدالت کروں گا اگر پیشی پر منظر حاضر نہ ہو اور مقدمہ میری غیر حاضری کی وجہ سے کسی طور میرے خلاف ہو گیا تو صاحب موصوف اس کے کسی طرح ذمہ دار نہ ہوں گے نیز وکیل صاحب موصوف صدر مقام پکھری کے علاوہ یا پکھری کے اوقات سے پہلے یا پیچھے یا برہذ تعطیل بیرونی کرنے کے ذمہ دار نہ ہوں گے اور مقدمہ صدر پکھری کے علاوہ اور جگہ سماعت ہونے یا بروز تعطیل یا پکھری کے اوقات کے آگے یا پیچھے پیش ہونے پر منظر کوئی نقصان پہنچے تو اس کے ذمہ دار یا ایسے واسطے کسی معاوضہ کے ادا کرنے یا محنت نہ واپس کرنے کے بھی صاحب موصوف ذمہ دار نہ ہوں گے سچ کو کھل ساختہ پر واخستہ صاحب موصوف مثل کردہ ذات خود منظور قبول ہو گا اور صاحب موصوف کو عرض دعویٰ یا جواب دعویٰ یا درخواست اجراء اسمائے ڈگری نظر ثانی اپیل نگرانی و ہر قسم درخواست ہر قسم کے بیان دینے اور پر ثانی یا راضی نامہ و فیصلہ برحلف کرنے اقبال دعویٰ کا بھی اختیار ہو گا اور بصورت مقرر ہونے تاریخ پیشی مقدمہ مقرر بیرون از پکھری صدر بیرونی مقدمہ مقرر نظر ثانی اپیل و نگرانی و برآمدگی مقدمہ یا منسوخی ڈگری یکسہ طرفہ یا درخواست حکم اتہائی یا قرتی یا گرفتاری قبل از فیصلہ اجراء ڈگری بھی صاحب موصوف کو بشرط ادا ایگی علیحدہ محتاج بیرونی کا اختیار ہو گا اور تمام ساختہ پرداختہ صاحب موصوف مثل کردہ از خود منظور و قبول ہو گا اور بصورت ضرورت صاحب موصوف کو یہ بھی اختیار ہو کہ مقدمہ مقررہ یا اس کے کسی جزو کی کارروائی یا بصورت درخواست نظر ثانی اپیل نگرانی یا دیگر معاملہ و قدمہ مذکورہ کسی دوسرے وکیل یا بیرسٹر کو اپنے بجائے یا اپنے ہمراہ مقرر کریں اور ایسے مشیر قانون کو بھی ہر امر میں وہی اور دیے اختیارات حاصل ہوں گے جیسے صاحب موصوف کو حاصل ہیں اور دوران مقدمہ میں جو کچھ ہر جانہ التواء پڑے گا وہ صاحب موصوف کا حق ہو گا مگر صاحب موصوف کو پوری فیس تاریخ پیشی سے پہلے ادا نہ کروں گا تو صاحب موصوف کو پورا اختیار ہو گا کہ مقدمہ کی پروی نہ کریں اور ایسی صورت میں میرا کوئی مطالبہ کسی قسم کا صاحب موصوف کے برخلاف نہیں ہوگا

لہذا وکالت نامہ لکھ دیا ہے تاکہ سند رہے

مورخہ 27 ماہ جولائی 2022

مضمون وکالت نامہ سن لیا ہے اور اچھی طرح سمجھ لیا ہے اور منظور ہے

Accepted

Signature

ایجاز نامہ ایڈوانس

Bliz